

## REMARKS

Minor amendments have been made to the specification to correct typographical and grammatical errors. No new matter has been added.

Claims 1 and 3, 4, and 6 to 11 are pending in the application. Claims 2 and 5 have been canceled, claims 1, 4 and 6 to 8 have been amended, and claims 9 to 11 have been added. Claims 3 and 6 to 8 stand withdrawn from consideration as drawn to a non-elected species, election having been made in the paper filed October 14, 2005; however, claims 6 to 8 have been amended to be dependent on claim 1 and therefore should be examined with claim 1.

Claims 1, 2 and 4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is moot as to claim 2 which has been canceled. As to claims 1 and 4, the Examiner stated that the limitation “selecting . . . from the generated plurality (of) sets vendors” lacked proper antecedent basis. In response, claims 1 and 4 have been amended. Claim 1, for example, now recites “selecting a preferred coalition from coalition alternates at each level of the request proposal tree to respond to the request for proposal”. As amended, it is believed that claims 1 and 4 are clear and definite. Withdrawal of the rejection is therefore respectfully requested.

Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(a) as being anticipated by European Patent Application EP 1 054 333 A2 by Carpenter. This rejection is respectfully traversed for the reasons that (a) Applicant has submitted herewith a declaration under 37 C.F.R. §1.131 swearing behind the effective date of the Carpenter reference and (b) Carpenter does not in fact show or describe the claimed invention.

As noted by the Examiner, the publication date of the Carpenter application was November 22, 2000. The filing date of this patent application is February 13, 2001. Submitted herewith is a declaration under 37 C.F.R. §1.131 by Nitin Nayak, one of the named co-inventors, swearing behind the effective date of the Carpenter reference, thereby removing the Carpenter as a reference under 35 U.S.C. §102(a).

More particularly, Dr. Nayak establishes in paragraphs 3 and 4, referencing Exhibits A and B, of his declaration an actual reduction to practice of the invention as it relates to the Carpenter disclosure prior to October 2000. Dr. Nayak goes on in paragraph 5 of his declaration to show that those aspects of the claimed invention not contemplated by the Carpenter disclosure were actually reduced to practice in early January 2001. Specifically, as shown in Exhibits C and D of his declaration, Dr. Nayak establishes that the invention was capable of dividing a customer RFP into sub-requests by a vendor with no restriction on the number of levels at which such division is performed at least by January 2001. Moreover, by this time, the reduction to practice had the capability of managing an n-level RFP tree corresponding to all sub-requests generated through multiple divisions of the original RFP in terms of controlling access and viewing status and the capability to create coalitions to respond to an RFP at any level of division. These features, while added after the original reduction to practice prior to October 2000, are not remotely contemplated by the Carpenter disclosure, as discussed in more detail below. Moreover, the continued activity by the inventors continuing up to and including the filing of the patent application by February 13, 2001, is evidence of continued diligence by the inventors.

Carpenter does not, as the Examiner alleges, anticipate the disclosed and claimed invention, nor does Carpenter suggest the claimed invention.. The disclosed and claimed invention solves a multi-level coalition formation problem Applicants refer to this as n-level coalition, as illustrated for example in Figure 3 of the drawings. In step (1), the Vendor (n) receives an RFP from the Customer (n). In step (2), the Vendor (n) reviews the project requirements in the RFP. The Vendor (n) then decomposes the project into sub-projects in step (3), if necessary. The overall structure of project decomposition into sub-projects at each layer is shown in Figure 4. In step (4) of Figure 3, Vendor (n) creates sub-RFPs based on the Customer (n) RFP, if necessary. Vendor (n) is now Customer (n+1) in the context of a sub-RFP. in response to the Customer (n) RFP. This represented in step 3a in Figure 3. The process of splitting RFPs into sub-RFPs is shown in Figure 5. In step (5) of Figure 3,

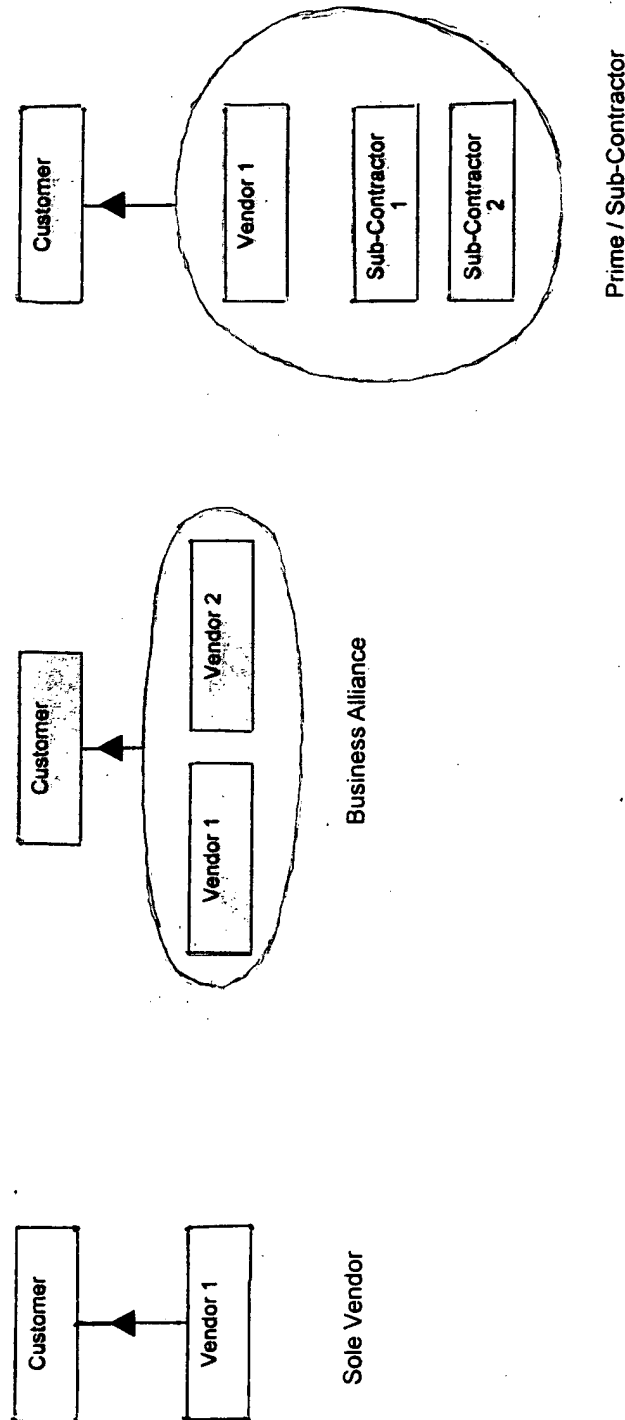
the capabilities required to satisfy sub-RFP requirements, if sub-RFPs are input to the system. The system matches required capabilities identified with available vendor capabilities. The system then creates in step (6) a vendor shortlist in response to a sub-RFP. The shortlist vendors are designated as belonging to Vendor (n+1) category. The system then invites vendors on the shortlist to review the sub-RFP and provide a proposal in step (7). The entire process of RFP Transmission from the customer to the invited vendors is shown in Figure 6. Customer (n+1) reviews Vendor (n+1) proposals in step (8) of Figure 3. The system facilitates negotiation of the proposal between Customer (n+1) and each of Vendors (n+1). Then, in step (9), the customer selects primary and secondary Vendors (n+1) to provide the sub-RFP solutions as shown in Figure 7. In step (10) Figure 3, Vendor (n), who is also designated as Customer (n+1), and primary Vendor (n+1) become part of a coalition in support of Customer (n). This is a Level (n) coalition. Vendor (n+1) may have its own coalition at Level (n+1). This is rolled up into the Level (n) coalition if Vendor (n)'s proposal is accepted by the customer. If multiple sub-RFPs are created by Customer (n+1) (i.e., Vendor (n)), then several Level (n+1) coalitions may be part of the Level (n) coalition. In step (11), Vendor (n) provides a proposal to Customer (n) on behalf of the Level (n) coalition as shown in Figure 8.

In contrast, Carpenter discloses methods for carrying out electronic commerce wherein an exclusive electronic business community is formed in which customer members post requests for proposals for goods or services on an electronic business site. Vendor members review the posted requests and then post a responsive proposal or bid at the electronic business site. The bid may be based either upon the vendor's individual capabilities or upon capabilities resulting from collaborating with third parties. The collaboration with third parties may range from forming business alliances or partnerships to assuming primary contractor or sub-contractor roles. The requesting customer member accesses whatever bids are submitted and ultimately negotiates and enters into a contract with a selected vendor member for purchase of the desired goods or services.

Claim 1, as amended, incorporates the limitations of claim 2 and now recites “allowing a vendor to form a a coalition by dividing a received initial request for proposal into a plurality of sub-requests to be responded to by other vendors with no restriction on a number of levels of such divisions thereby creating a request for a proposal tree; managing the request proposal tree by controlling access to contained information; selecting a preferred coalition from coalition alternates at each level of the request proposal tree to respond to the request for proposal; and aggregating coalitions at all levels in the request for proposal tree to respond to the initial request for proposal.”

Carpenter has only three levels in coalition creation, which involve the customer, vendor and sub-contractor. In the claimed invention, there is no such limitation. As described, the disclosed and claimed invention provides for an n-level coalition as illustrated in Figure 3 of the drawings. The Carpenter model has vendors who can play only two roles (primary vendor or sub-contractors). The vendors can collaborate with other vendors or sub-contractors but cannot sub-divide their RFP and thereby take on the role of a customer to decompose a complex project. In other words, their project cannot be decomposed more than once. This is illustrated in the diagram on the following page.

In Carpenter's model, the customer RFP never gets divided. A vendor, when acting as prime-contractor, can select multiple sub-contractors from community database but does not create sub-RFPs to invite them. Also, sub-contractors are not allowed to create their own coalitions by creating sub-sub RFPs. Thus Carpenter's approach is a special case of our general coalition formation approach



As shown in the diagram on the preceding page, in Carpenter's model, the customer RFP never gets divided. A vendor, when acting as prime-contractor, can select multiple sub-contractors from the community database but does not create sub-RFPs to invite them. Also, subcontractors are not allowed to create their own coalitions by creating sub-sub-RFPs.

In contrast, as shown in Figure 4 of the drawings, in the claimed invention, a vendor can play several roles including being a customer for their sub-RFPs. This approach allows one to decompose a complex project into any number of levels and create a coalition for each sub-project through its associated sub-RFP. The overall n-level coalition is then an aggregation of all the lower level coalitions.


In view of the foregoing, it is requested that the rejection under 35 U.S.C. §102(a) be withdrawn and claims 1 and 4 allowed. In addition, claims 5 to 8, now dependent on claim 4 should be allowed with claim 4, and claims 9 to 11 dependent on claim 1 should be allowed with claim 1. Further, it is submitted that claim 1 is generic to the species of claim 3, and claim 3 should be allowed as well.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1, 3, 4, and 6 to 11 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Lamont Whitham", is written over a horizontal line.

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